

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
Washington, D.C. 20231

In re PATENT APPLICATION of

Inventors: **Klein et al.**

Appln. No.: **09/885,816**

Filed: **June 19, 2001**

Title: **Methods of Creating Constructs Useful for
Introducing Sequences Into Embryonic Stem
Cells**

Group Art Unit: **Unassigned**

Examiner: **Unassigned**

Docket/Order #: **MES-01-CON**

Deposit Acct **50-1271**

Customer # **26619**

Date: **January 22, 2002**

(01/19/02 = Saturday;

01/21/02 Holiday)

RESPONSE

Please file the enclosed RESPONSE in the above-identified application. The signature below is to be treated as the signature to the enclosure in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity previously claimed	Claims remaining	Highest # paid for	Present Extra	Small Entity	Add'l Fee	Fee Code
2. Total Claims		minus	=	x \$9. =	+	203
3. Independent Claims		minus	=	x 42. =	+	202
4. If amendment enters multiple dependent claim(s) for the first.....				add+ \$140. =	+	204
5. Original due date: November 19, 2001						
6. Petition is hereby made to extend the due date to cover the date this response is filed, for which the requisite fee is enclosed				1 mo \$55 2mos \$200 3mos \$460 =		215 216 217
7. Enter any previous extension fee paid and (subtract)-						
8. Total fee for extension of time:				+\$200		
9. If Terminal Disclaimer is enclosed, add Rule 20(d) official fee.....				+ \$55. =	+	248
10. If IDS enclosed requires Official Fee, add+				\$240. =	+	126
or if Rule 97(d) Petition, add+				\$130. =	+	122
11. After-Final Request Fee per Rules 129(a) and 17(r).....				+ \$370. =	+	246
12. No. of additional inventions for examination per Rule 129(b):.....				ea x \$370. =	+	249
13. Petition fee for					+	
TOTAL FEE: <input checked="" type="checkbox"/> CHARGE AUTHORIZATION <input type="checkbox"/> ENCLOSED =					\$200	

Charge Statement: The Commissioner is hereby authorized to charge any missing or insufficient fees relative to this application, or credit any overpayment, to our Account/Order Nos. above, for which purpose a duplicate copy of this sheet is enclosed.

DELTAGEN, INC.

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Mariette A. Lapiz
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01/30/2002 MWOLDER1 00000165 09885816

01 FC:216 200.00 CH

Express Mail Label:

Date of Deposit:

ET 668572541 US

Date January 22, 2002

I certify that this paper and listed enclosures are being deposited with the U.S. Post Office "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the above date, addressed to Commissioner for Patents, BOX PATENT APPLICATION, P.O. Box 2327, Arlington, Virginia 22202

Joyce Vogel



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Klein *et al.*

Group Art Unit: Unassigned

Serial No.: 09/885,816

Examiner: Unassigned

Filed: June 19, 2001

Attorney Docket: MES-01-CON

For: METHODS OF CREATING CONSTRUCTS USEFUL FOR INTRODUCING
SEQUENCES INTO EMBRYONIC STEM CELLS

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Arlington, VA 22202

Sir:

In response to the Notice dated September 19, 2001 in the above-referenced application, Applicant respectfully requests entry of the following.

In the Specification

Attached is a substitute specification containing replacement pages 1 through 36 of the application filed June 19, 2001. Applicants respectfully submit that the substitute specification is in compliance with 37 CFR 1.52, and contains no new matter.

In the Drawings

Attached are 11 sheets of drawings, Figures 1 through 8, which replace the 10 sheets of drawings filed on June 19, 2001 in the subject application. Applicants respectfully submit that the substitute drawings are in compliance with 37 CFR 1.84(e) and contain no new matter.

Remarks

Applicants submit that the subject application papers have been appropriately corrected and are in compliance with the rules. Therefore, Applicants respectfully request that the application continue to be examined on the merits.

Respectfully submitted,



Mariette A. Lapiz
Reg. No. 44,202
(650)752-0294

Date: 01/22/02

DELTAGEN, INC.
1003 Hamilton Avenue
Menlo Park, CA 94025

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 WASHINGTON, D.C. 20231
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APPLICATION NUMBER

09/885,816

FILING/RECEIPT DATE

06/19/2001

FIRST NAMED APPLICANT

Robert D. Klein

ATTORNEY DOCKET NUMBER

MES-01-CON

CONFIRMATION NO. 4963

FORMALITIES LETTER



OC000000006579595

Date Mailed: 09/19/2001

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SEP 19 2001

BY: *Jmw*

Due: 11/19/01

FNL: 03/19/02

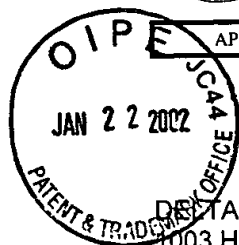
NOTICE TO FILE CORRECTED APPLICATION PAPERS***Filing Date Granted***

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
 - The specification cannot be scanned or properly stored. Page(s)
 - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages **Specification page 1 - page 36** are not in compliance with 37 CFR 1.52(a). *The drawings filed are unacceptable because: Replacement page(s), together with a statement that the replacement page(s) contain no new matter, are required.*
- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));

09/19/01 09:19:01



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 Menlo Park, CA 94025

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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